

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil No. 3:08-cv-00208

TECHNOLOGY PARTNERS, INC.,)
A North Carolina Corporation,)
Plaintiff,)
)
v.)
)
BRIAN HART)
Defendant.)
_____)

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

NOW COMES the Plaintiff, by and through its undersigned counsel, and hereby renews the motion for preliminary injunction made in its State Court complaint. In support of this motion, the Plaintiff shows the Court as follows:

1. This action was filed in the Mecklenburg County Superior Court on April 28, 2008.
2. The state court complaint sought a temporary restraining order and preliminary injunction, consistent with state court pleading practice.
3. After notice to the Defendant through his counsel, and after a hearing in which Defendant's counsel appeared, a temporary restraining order ("TRO") was granted on May 1, 2008, with return date set for May 8, 2008.
4. This action was removed by the Defendant on May 6, 2008.
5. Under separate motion, Plaintiff has moved to extend the TRO pending a determination of the Plaintiff's motion for preliminary injunction.
6. Pursuant to Federal Court practice, Plaintiff hereby sets forth its motion for preliminary injunction in a separate filing.

7. The basis for the motion is the same as originally pled in the complaint, namely that the Plaintiff is likely to suffer irreparable harm if the Defendant is not enjoined from violation of his 2008 Employment Agreement, including provisions relating to noncompetition, confidentiality and nonsolicitation, and if he is not enjoined from misappropriation of the Plaintiff's trade secrets as set forth in the Complaint.
8. Based on the facts set forth in the Verified Complaint and the affidavits submitted herewith, Plaintiff has shown a likelihood of success on the merits on its claims, including breach of the covenants by the Defendant and misappropriation and/or threatened misappropriation of the Plaintiff's trade secrets.

WHEREFORE, the Plaintiff respectfully requests that the Court grant a preliminary injunction pursuant to Fed. R. Civ. P. 65 which continues in effect the prohibitions of the TRO during the pendency of this action.

This the 7th day of May, 2008.

/s/ Pamela S. Duffy

ROBERT J. WISHART (#5900)

PAMELA S. DUFFY (#18329)

MOLLY A. ORNDORFF (#34137)

Attorneys for Plaintiff

WISHART, NORRIS, HENNINGER
& PITTMAN, P.A.

6832 Morrison Boulevard
Charlotte, NC 28211

Telephone: (704) 364-0010

Robert.Wishart@wnhplaw.com

Pam.Duffy@wnhplaw.com

Molly.Orndorff@wnhplaw.com

CERTIFICATE OF SERVICE

I certify that the foregoing MOTION was with the Clerk of the Court using the CM/ECF system and that the party named below will be automatically served notification of such filing:

Kurt E. Lindquist, II
Nelson Mullins Riley & Scarborough, LLP
100 North Tryon Street, 42nd Floor
Charlotte, NC 28202-4007
kurt.lindquist@nelsonmullins.com

This the 7th day of May, 2008.

/s/ Pamela S. Duffy
ROBERT J. WISHART (#5900)
PAMELA S. DUFFY (#18329)
MOLLY A. ORNDORFF (#34137)
Attorneys for Plaintiff
WISHART, NORRIS, HENNINGER
& PITTMAN, P.A.
6832 Morrison Boulevard
Charlotte, NC 28211
Telephone: (704) 364-0010
Robert.Wishart@wnhplaw.com
Pamela.Duffy@wnhplaw.com
Molly.Orndorff@wnhplaw.com